S. HRG. 99-109

NOMINATIONS OF JOHN M. STEADMAN AND RICHARD A. LEVIE

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON THE

NOMINATIONS OF JOHN M. STEADMAN TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS; AND RICHARD A. LEVIE TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

JUNE 11, 1985

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE
48-993 O WASHINGTON : 1985

S401-35.

COMMITTEE ON GOVERNMENTAL AFFAIRS

WILLIAM V. ROTH, JR., Delaware, *Chairman*

TED STEVENS, Alaska	THOMAS F. EAGLETON, Missouri
CHARLES McC. MATHIAS, JR., Maryland	LAWTON CHILES, Florida
WILLIAM S. COHEN, Maine	SAM NUNN, Georgia
DAVID DURENBERGER, Minnesota	JOHN GLENN, Ohio
WARREN B. RUDMAN, New Hampshire	CARL LEVIN, Michigan
THAD COCHRAN, Mississippi	ALBERT GORE, JR., Tennessee

JOHN M. DUNCAN, *Staff Director*
CAROL C. FOX, *Counsel*
MARGARET P. CRENSHAW, *Minority Staff Director*
TERRY JOLLY, *Chief Clerk*

CONTENTS

Page

Opening statement of Senator Mathias 1

WITNESSES

TUESDAY, JUNE 11, 1985

John M. Steadman, nominee to be an associate judge of the D.C. Court of Appeals:
- Testimony 2
- Biographical information and responses to prehearing questions 7

Richard A. Levie, nominee to be an associate judge of the Superior Court of the District of Columbia:
- Testimony 16
- Biographical information and responses to prehearing questions 20

NOMINATIONS OF JOHN M. STEADMAN AND RICHARD A. LEVIE

TUESDAY, JUNE 11, 1985

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The committee met at 10:30 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Charles McC. Mathias, Jr., presiding.

Present: Senator Mathias.

OPENING STATEMENT OF SENATOR MATHIAS

Senator MATHIAS. The committee will come to order.

This is a very happy occasion today. On May 13, President Reagan nominated John Montague Steadman of the District of Columbia to be an associate judge of the Court of Appeals of the District of Columbia for a term of 15 years. On May 22, the President nominated Richard Andrew Levie of the District of Columbia to be an associate judge of the Superior Court for a term of 15 years.

During the intervening weeks, we have been working with both of these nominees, and I want to take this opportunity to thank both of them on behalf of the entire committee for the cooperation that they have given to members of the committee and to the committee staff. These nominations have been the subject of a very careful review.

In 1978, the committee adopted rule 8 which contains the requirements which must be met on all confirmations that are subject to the evaluation of this committee. This rule requires that the committee conduct an inquiry into the nominee's experience, qualifications, suitability, and integrity to serve in the position for which the President has nominated him. The committee believes that this rule ensures a very thorough and yet a reasonable review of the nominee's background and qualifications.

I will briefly recount the steps the committee has taken on these nominations for today's hearings.

First, each nominee is asked for, and supplied, detailed information on his education, appointments, and professional achievements as well as complete financial statements. Financial statements and biographical information are available for inspection by the public in the committee offices. In addition, the biographical information of the nominees will be placed in the record as a part of this hearing.

The committee proceeded to review the nominees' biographical and financial information as well as the reports by the Office of Ju-

dicial Ethics. Following that, as chairman, I reviewed the FBI reports prepared on Mr. Steadman and Mr. Levie, which were also reviewed by Senator Eagleton, who is the ranking minority member. Finally, each nominee was individually interviewed by the designated committee staff members who then submitted a report to members of the committee containing all relevant information concerning the qualifications of each for the position to which each has been nominated.

We will begin this morning with the President's nominee for the court of appeals, Mr. Steadman. In accordance with the usual rule, all witnesses at nomination hearings must give their testimony under oath. Mr. Steadman, if you will come to the table.

While Mr. Steadman is doing that, let me say that our smaller participants this morning don't worry me in the least. I think it is wonderful they are here. So don't worry about him.

Will you raise your right hand? Do you swear that the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEADMAN. I do.

Senator MATHIAS. Please be seated.

First of all, let me ask you several general questions. Do you know any reason, Mr. Steadman, personal or otherwise, that would in any way prevent you from fully and honorably discharging your responsibilities as a judge of the court to which you have been nominated?

TESTIMONY OF JOHN M. STEADMAN, NOMINEE TO BE AN ASSOCIATE JUDGE OF THE D.C. COURT OF APPEALS

Mr. STEADMAN. No; I do not, Mr. Chairman.

Senator MATHIAS. If confirmed by the Senate—and this is a question which is a little difficult to answer with precision because none of us know what the hand of fate has in store for us—but if confirmed by the Senate, would it be your intention, insofar as you can see in the future now, to serve the full 15-year term of office?

Mr. STEADMAN. Absolutely.

Senator MATHIAS. Have you ever been involved in civil litigation or in administrative or legislative proceedings of any kind either as plaintiff, defendant, respondent or witness, or as a party in interest, which is directly or indirectly related to the office for which you are nominated?

Mr. STEADMAN. No; I have not, Mr. Chairman. The university for which I work, Georgetown, is of course from time to time involved in litigation. But I have not been a party nor a witness in any such litigation.

Senator MATHIAS. What would be your attitude if there were a Georgetown case that were to come before you?

Mr. STEADMAN. It would be my intent to recuse myself. Perhaps with the passage of time the association might dissipate, but I have been with them for about 15 years and that is a relationship that I guess carries on in spirit.

Senator MATHIAS. Have you or any member of your immediate family ever been involved in any controversy or litigation with tax

authorities of the Federal Government, the District of Columbia, or of any State or local government?

Mr. STEADMAN. Well, as I indicated in the questionnaire, in the mid-1960's, I forget exactly which year, the IRS questioned a casualty loss deduction that I took when a bridge washed out in a flood in northern California. And it was not a question of propriety of the deduction; the question was how much should be deducted. So we compromised it out and I paid a small additional tax. That is the only such occasion.[1]

Senator MATHIAS. I think you are fortunate if that is your only exposure in that area of controversy. [Laughter.]

Is there anything of which you are aware in your background, professional or personal, which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. STEADMAN. Nothing other than the financial interests and the employment and other associations which are set forth in the questionnaire.

Senator MATHIAS. How about your writing? As a member of the faculty of Georgetown, have you done extensive writing?

Mr. STEADMAN. That is true, but I do not believe that there is anything that I have written or a position that I have taken which under the normal course of events would present a conflict of interest.

The one feature pertaining to Georgetown is we do have an extensive clinical program. And one of those clinics, the appellate litigation clinic, has, among other things, cases in the D.C. Court of Appeals. It varies from year to year, but there are about six a year, roughly, that are assigned to the students in the appellate litigation clinic.

With respect to any cases that are now pending, I would expect not to participate. And it is my present intention for at least 2 years, until the students who are in there now will have graduated, to not participate in any such cases involving the appellate litigation clinic.

Senator MATHIAS. On balance, would you feel that your participation in the work of the clinic has enhanced your competence as far as serving as a judge in the court?

Mr. STEADMAN. Yes; I think that is correct. I have not been involved with the clinic for the past few years, but there was a time in which the various cases were parcelled out among the faculty members, and in that capacity I was involved in the supervision of several appeal cases, not before the D.C. Court of Appeals but before the U.S. Court of Appeals for the District of Columbia.

Senator MATHIAS. Now you have said if a case arose that had some relationship to Georgetown, you would recuse yourself. How would you generally propose to resolve conflicts of interest which might arise during your tenure?

Mr. STEADMAN. Well, with respect to any case which involved a company in which I had a financial interest, I would expect to

---

[1] By letter, dated June 14, 1985, enclosing his corrected testimony, Mr. Steadman states: "In connection with my 1977 D.C. income tax return, the District of Columbia tax office questioned a credit of $357 taken on account of income tax paid by me that year to the State of Hawaii. I explained my position in doing so, and no additional tax was imposed." The entire letter may be found in the committee files.

recuse myself in accordance with the ABA Code of Judicial Conduct.

Mr. Chairman, I am going to try and reduce the number of holdings that I have, consistent with not paying an excessive capital gains tax in the process. But I would like to reduce the number of affiliations so as to minimize that possibility. Most of the holdings in fact are not in companies which are located principally in the D.C. area. So I do not anticipate that would be a significant problem.

With respect to Georgetown, I already said what I proposed, and also with respect to the appellate litigation clinic.

Senator MATHIAS. I suppose the unhappy precedent with regard to holdings is the case of Judge Clement Hainsworth who was generally an admirable judge but who was severely embarrassed and who, so you know, failed Senate confirmation to the Supreme Court primarily because of the perception that resulted from the holdings that he had.

Mr. STEADMAN. Yes, sir, I recall that. And I want to be very sensitive to the situation.

Senator MATHIAS. Would you tell us something of your background, your education, your professional experience, what you feel in that experience qualifies you to be a member of the court of appeals?

Mr. STEADMAN. Surely.

Well, I was born and grew up in what was then the territory of Hawaii. I went to Yale University, from which I graduated with the equivalent of summa cum laude, and then on to Harvard Law School where I was a member of the Law Review and graduated magna cum laude.

I worked for 7 years with the firm of Pillsbury, Madison & Sutro in San Francisco, which for us people from Hawaii was the big city. It is now an enormous firm, one I suppose of the half dozen largest. When I started with them, they had about 50 lawyers. We did a wide variety of different kinds of legal work.

In 1963, I came back to the District of Columbia, where I have been ever since, except for the 3 years when I was away, to work for the Department of Justice in the Office of Legal Counsel. I then went over to the Pentagon and I was successively the Deputy Under Secretary of the Army for International Affairs, Special Assistant to the Secretary and Deputy Secretary of Defense, and finally general counsel of the Department of the Air Force.

In 1970 I went into law, teaching at the University of Pennsylvania and in 1972 came back to Washington, DC, with Georgetown, where I have been ever since. I was an associate dean at Georgetown from 1979 to 1984. Also in 1979 Pillsbury, Madison & Sutro opened a branch office here in Washington, DC, and we rejoined affiliations. I have been of counsel to the D.C. office and to the firm since 1979.

As you mentioned, I have done a lot of writing since I started my scholastic career. I have been involved in two books, one called "Litigation with the Federal Government," which I coauthored with David Schwartz and Sidney Jacoby, and another one involving international government contracting, of which I was the editor in chief.

That is me.

Senator MATHIAS. There is nothing in your writings that you think might ultimately embarrass you or the court or the President?

Mr. STEADMAN. I don't believe so. I am not saying they are all right. [Laughter.]

Senator MATHIAS. That would be too much to expect, even in the U.S. Senate. [Laughter.]

One of the roles that I feel judges should play, which perhaps you are unusually well qualified to play, is that of educator. I know in my own experience, when I came to the bar, one of the most valuable parts of those early years was the educational experiences I had with judges. Some of them were abrasive, some of them were very positive. But what do you see as the responsibility of the bench for the continuing education of the bar?

Mr. STEADMAN. Well, I entirely agree with your view of the significant responsibility of the judiciary in the whole process of education.

Senator MATHIAS. That is not limited, it seems to me, to the legal profession. In all professions, there is an ongoing responsibility for the senior members to continue to educate the younger members. One of the great qualities of Nelson as an admiral was that he spent an enormous amount of his time with the midshipmen. It is part of the quality of Nelson that has made him a great figure in world history.

Mr. STEADMAN. I couldn't agree more. Of course, education for the last 15 years has been the major purpose of my life, and I have done it in several contexts, not only teaching law students but also in connection with bar review courses and with the International Law Institute, where we are training government officials from other nations to improve their government contracting processes.

But with respect to the role of the judiciary, I suppose that there is a difference between the trial court and the appellate court in the sense that the role of the appellate court dealing directly with the people appearing before them is to provide whatever guidance is appropriate with respect to the issues to be briefed, the points that are of interest, but in a wider sense it seems to me to educate and clarify the law with respect to the bar in general.

Senator MATHIAS. I think there is a difference between the appellate court and the nisi prius court in this respect. But there is, of course, constant communication between the bench and the bar, and it does provide opportunities for guidance of various kinds.

What is your definition of judicial temperament? I won't ask you yet whether you have it. [Laughter.]

Mr. STEADMAN. Well, it seems to me that the key part of a judicial temperament is the willingness to listen carefully and respectfully to the various views that are presented to one and to have a sense of fairness and justice and calmness and reflectiveness in the entire process. Those seem to me to be certainly some of the key elements of what you might call a judicial temperament.

Senator MATHIAS. Do you feel you have that kind of calm and objectivity that is required of a good judge?

Mr. STEADMAN. I think I do. It is conceivable that some of my students may say that I get overly excited from time to time, but it is necessary to be mildly provocative to keep them attentive.

Senator MATHIAS. One element, as I review your biography, that occurs to me, looking from the Punahou School on forward to this moment, is that you haven't been widely experienced in litigation. Am I wrong about that?

Mr. STEADMAN. That is essentially correct in the sense that I have been, I suppose you might call basically, an office lawyer and a scholar. I should say that during the 7 years——

Senator MATHIAS. That is not altogether a bad thing.

Mr. STEADMAN. No, no. I am not denigrating it.

Senator MATHIAS. My father, who was a very good lawyer, used to say the thin file with the release in it—[laughter]—was the object to be obtained.

Mr. STEADMAN. I wanted to mention, as I said a few minutes ago, when I went with Pillsbury, Madison & Sutro, it was quite a bit smaller firm and they had the practice of allowing and, indeed, encouraging the people in the firm to engage in a wide variety of legal activities, including going into court. And so during that time I was in court from time to time on some small tort matters, some collection work, divorce, adoption, wills and trusts, some bankruptcy. So I got a sense of what it means to go into court.

I also handled several Federal criminal appeals during that time on a pro bono basis. And as I mentioned to you earlier also, I have done some supervisory work here in the District of Columbia in connection with the Georgetown Appellate Litigation Clinic.

Senator MATHIAS. In other words, you feel you have the basic experience in the courtroom so that even sitting as an appellate judge you will have a sense of the dynamics of a courtroom.

Mr. STEADMAN. I believe so, yes, sir.

Senator MATHIAS. Is there anything you would like to add at this point?

Mr. STEADMAN. I don't believe so. The questionnaire was thorough. The staff asked many questions. And I think that everything that I know of that would be relevant is out.

Senator MATHIAS. I see that you are accompanied by your family. I wonder if you would like to introduce them.

Mr. STEADMAN. Yes, sir, I would like that very much. There is my wife Alison. Two over is my daughter Juliette, who is working with a law firm in Washington, DC, this summer, who is between her sophomore and junior year at Yale. And her friend from Yale, Mary Hancock, is between my wife and Juliette. They were nice enough to come up and join me in this experience.

Senator MATHIAS. We are very happy to welcome them to the committee this morning. I know Mrs. Steadman deserves at least half of the congratulations that we accord to you. We thank you very much for being here today.

Is there anyone in the room who has any testimony with respect to Mr. Steadman's nomination?

If not, Mr. Steadman, we thank you very much for coming.

Mr. STEADMAN. Thank you, sir.

[Biographical information follows:]

SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

"1. Name: (Include any former names used.)"

John Montague Steadman

"2. Position to which nominated:"

Associate judge of the District of Columbia Court of Appeals

"3. Date of nomination:"

May 13, 1985

"4. Address: (List current place of residence and office addresses.)"

Residence: 2960 Newark St.,N.W., Washington, D.C. 20008
Office: Georgetown University Law Center, 600 New Jersey Ave., N.W., Washington, D.C. 20001

"5. Date and place of birth:"

Honolulu, Hawaii, August 8, 1930

"6. Marital status: (Include maiden name of wife or husband's name.)"

I have been married to Alison Storer Lunt (maiden name) since April 8, 1961.

"7. Names and ages of children:"

We have three children: Catharine Neilson age 22, Juliette Montague age 19, and Eric Cammett age 17.

"8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted."

1943-1947 Punahou School, Honolulu, Hawaii, diploma 1947
1947-1948 Phillips Academy, Andover, Mass., diploma 1948
1948-1952 Yale University, New Haven, Conn., B.A. 1952
1952-1955 Harvard Law School, Cambridge, Mass., LL.B. 1955

"9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment."

a) Regular full-time employment
1956-1963: Associate with the law firm of Pillsbury Madison &

Sutro, San Francisco, California
1963-1964: Attorney-advisor, Office of Legal Counsel, U.S. Department of Justice, Washington, D.C.
1964-1965: Deputy Undersecretary (International Affairs), Department of the Army, Washington, D.C.
1965-1968: Special Assistant to the Secretary and Deputy Secretary of Defense, Washington, D.C.
1968-1970: General Counsel, Department of the Air Force, Washington, D.C.
1970-1972: Visiting professor of law, University of Pennsylvania Law School, Philadelphia, Pennsylvania
1972 to present: Professor of law (visiting professor 1972-73) and associate dean (1979-84), Georgetown University Law Center, Washington, D.C.

b) Regular part-time relationships:
1974 to present: Bar review lecturer, BAR/BRI Bar Review (HBJ Legal Publications), Washington, D.C. (I have given lectures in D.C., Maryland, Delaware, Pennsylvania, Missouri, Minnesota, and Colorado.)
1979 to present: Of counsel, Pillsbury Madison & Sutro, Washington, D.C.
1983 to present: Course lecturer, International Law Institute, Washington, D.C. (Prior to 1983, ILI was affiliated with Georgetown University Law Center. I have given lectures for them in D.C. and overseas since 1973.)

c) Visiting professorships of law and adjunct law teaching:
1961-1962: Lincoln Law School, San Francisco, California
1962-1963: San Francisco Law School, San Francisco, California
Summer 1976: University of Michigan, Ann Arbor, Michigan
Jan-June 1977: University of Hawaii, Honolulu, Hawaii
July 1979: University of Rosario, Rosario, Argentina

"10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above."

a) During the time period 1970-1976, I did two projects as a consultant for the Administrative Conference of the United States, one on sovereign immunity and land title disputes and the other on debarment and suspension of government contractors.
b) In 1975, I was a member of the Civil Aeronautics Board Advisory Committee on Procedural Reform.

"11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, education or other institution."

In addition to those already described are the following:

a) Partner, Evans Venture Partners, a venture capital partnership

composed of certain partners and counsel of Pillsbury Madison & Sutro (since 1984).
b) Member, advisory board, International Law Institute, Washington, D.C. (since 1983).
c) Exam question writer, Alaska, California and Connecticut bar examination committees (intermittent work since 1970).
d) Legal book reviewer, Little Brown & Co, Boston, Mass. (occasional)
(Note: I hold a limited interest in Ala Moana Hawaii Properties, a widely-held partnership whose units are traded on the New York Stock Exchange. See answer to question 1 of part E.)

"12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations."

American Bar Association	District of Columbia Bar
State Bar of California	Hawaii State Bar Association
Federal Bar Association	Inter-American Bar Association
American Law Institute	American Ass'n of Univ. Professors
Soc'y of Amer. Law Teachers	St. Patrick's Episcopal Church
Cleveland Park Citizens Ass'n	Handgun Control
Smithsonian Associates	Corcoran Gallery
Friends National Zoo	WETA Public Broadcasting
Chrysler Museum	Sharon Arts Center
Nature Conservancy	World Wildlife Fund
Sierra Club	Hawaiian Mission Children's Soc'y
Friends Cleveland Park Library	Cleveland Park Club
St. Alban's Tennis Club	Edgemoor Club
Small Point Club	Outrigger Canoe Club
Zeta Psi	Skull and Bones
Yale Club of Washington	Harvard Law School Ass'n of D.C.

(I do not hold office in any of these organizations, and my memberships ended in the Outrigger Canoe Club in 1981 and the Sierra Club in 1984. I was vice-chairman of the ABA Ad Hoc Committe of Public Contract Law Professors 1984 and of the Committee on Transportation 1981; St. Patrick's Episcopal Church auxiliary vestry 1976, 1979-80, and treasurer 1968-70; Yale Class of 1952 secretary 1972-77; Andover Alumni Council president 1968-69.)

"13. Political affiliations and activities:
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
(c) Itemize all political contributions to any individual campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years."

a) None

b) Registered Democrat on the D.C. voting rolls.

c) Contributions to the Democratic National Committee of $50 in 1979 and $100 in 1976.

"14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements."

a) Charles A. Dana Fellowship (research expense grant) from the Dana Fund for International d Comparative Legal Studies, 1982.
b) United States Air Force Exceptional Civilian Service Award, 1969.
c) Sinclair Kennedy Traveling Fellowship from Harvard University, 1955-56.
d) Harvard Law School, LL.B. 1955, magna cum laude; Harvard Law Review.
e) Yale University, B.A. 1952, summa cum laude equivalent ("Philosophical Oration"); Phi Beta Kappa; Delta Sigma Rho.

"15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written."

a) Book: "Litigation with the Federal Government (2d edition)," published 1983 by ALI/ABA (coauthored with David Schwartz and Sidney B. Jacoby).
b) "Settling Litigation with the Federal Government," 29 (No. 8) Practical Lawyer 37 (1983)(with Schwartz and Jacoby -- taken from our book).
c) Book: editor-in-chief of volume 2, "International Contracting and Procurement for Development Projects," published in 1982 by International Law Institute of Georgetown University.
d) "The 1978 Reform of the American Bankruptcy Law," Zeus, July 11, 1979 (Rosario, Argentina).
e) "The Statutory Elements of Hawaii's Adverse Possession Law," 14 Haw. B.J. 67 (1978).
f) Book Review, "Problems and Materials on Professional Responsibility," 1977 U. Ill. L. Forum 953.
g) "Banned in Boston -- and Birmingham and Boise and . . .Due Process in the Debarment and Suspension of Government Contractors," 27 Hastings L.J. 793 (1976)(republished in 13 Yearbook of Procurement Articles 485 and in Government Contracts Service issue of January 31, 1977).
h) Book Review, "C.I.F. and F.O.B. Contracts" and "International Private Trade," 8 Law & Policy in Int'l Bus. 829 (1976).
i) "Small Claims Consumer Plaintiffs in the Philadelphia Municipal Court: An Empirical Study," 121 U. Pa. L. Rev. 1309 (1973)(with Richard S. Rosenstein).
j) Book Review, "Commercial and Consumer Transactions," 120 U. Pa. L. Rev. 1013 (1972).
k) "Forgive U.S. Its Trespasses? Land Title Disputes with the Sovereign -- Present Remedies and Prospective Reform," 1972 Duke

L.J. 15.
l) "The Certificateless Society and the Constitution," 46 St. John's L. Rev. 36 (1971)(republished in 4 Securities L. Rev. 580 (1972).
m) "The Lender in the Certificateless Society," 26 Business Lawyer 623 (1971).
(While in law school, I wrote an unsigned Note, "From Judicial Grant to Legislative Power: The Admiralty Clause in the Nineteenth Century," 67 Harv. L. Rev. 1214 (1954), and in college, I wrote unsigned editorials as chairman of the Yale Daily News 1951-52.)
(Tentatively scheduled for publication this fall in the Georgia Journal of International and Comparative Law is an article on the Spanish law of installment sales.)

"16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated."

I do not have any.

"17. Selection: a) Do you know why you were chosen for this nomination by the President? b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?"

a) I was one of three names submitted to the President by the D.C. Judicial Nomination Commission.

b) I believe my considerable experience in private practice, government service, and academic pursuits well qualifies me for the judiciary.

B. FUTURE EMPLOYMENT RELATIONSHIPS

"1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?"

Yes. I would expect to retain my vested retirement plan interests, as described in my answer to question 8 of part E.

"2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain."

I have no present plans, commitments or agreements. In the future, I might consider teaching a law course as an adjunct.

"3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?"

No.

"4. Has anybody made a commitment to employ your services in any capacity after you leave government service?"

No.

"5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?"

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

"1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers."

None. I would expect to retain my vested retirement plan interests, as described in my answer to question 8 of part E.

"2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated."

None exist that are not revealed by other answers in this questionnaire (e.g., prior employers, investments, etc.).

"3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated."

Same answer as to the preceding question.

"4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy."

For the past several years, I have been a member of the Special Committee on Debarment and Suspension of the ABA Section on Public Contract Law, which drafted a model statute to cover such activity. From 1971-1979 I was a member of the ABA Committee on Stock Certificates, which drafted a model amendment to article 8 of the Uniform Commercial Code to make possible "certificateless" shareholding. Early this year, I was one of a number of Georgetown law people subscribing their names in opposition to apartheid in South Africa, along with the D.C. Lawyers Against Apartheid. See also the writings and organizations described in the answers to questions 10, 12 and 15 of part A.

"5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your response to the above items. (Please provide a copy of any trust or other agreements.)"

I would recuse myself and not participate in any such litigation.

"6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?"

Question doesn't exactly fit, but I will cooperate with the Committee in every possible way.

D. LEGAL MATTERS

"1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details."

No.

"2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details."

No.

"3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide detail."

Georgetown University is at present engaged in well-publicized litigation concerning the D.C. Human Rights Act. Other law suits by or against the University most likely exist as well.

"4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?"

No

"5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination."

This form seems very thorough, and I have nothing to add.

F. SUPPLEMENT FOR D.C. JUDGE NOMINEES

"1. Are you a citizen of the United States?"

Yes.

"2. Are you a member of the bar of the District of Columbia?"

Yes.

"3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)"

Yes. I was admitted to the U.S. District Court for the District of Columbia and all local District of Columbia Courts by examination in 1955, and have been a member of the District of Columbia bar ever since.

"4. If the answer to No. 3 is "No" . . ."

Not applicable.

"5. Are you a bona fide resident of the District of Columbia?"

Yes.

"6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years."

My actual place of abode during this period (excluding business and vacation trips) was my home at 2960 Newark St.,N.W., Washington, D.C., except that from January to June of 1982, I had an apartment at Av. Jose Ortega y Gasset 17, Madrid, Spain, where I was doing research into Spanish law. During this time I made several trips back to D.C. and stayed in my home.

"7. Have you maintained an actual place of abode in such area for at least 5 years?"

I have lived in the District of Columbia since 1963 and at 2960 Newark St.,N.W. since 1969, except for two years as a visiting professor at the University of Pennsylvania (1970-72), one semester as a visiting professor at the University of Hawaii (1977), and the sabbatical research months in Spain mentioned in the answer to question 6.

"8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?"

No.

"9. Have you been a member of either Commission within the last 12 months?"

No.

AFFIDAVIT

John M. Steadman, being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

John M Steadman

Subscribed and sworn before me
this 30th day of May, 1985

Barbara Duncan
Notary Public

My Commission Expires June 30, 1987

Senator MATHIAS. Mr. Levie, will you please come forward and raise your right hand? Do you swear the testimony you will give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEVIE. I do.

Senator MATHIAS. I think we might reverse the usual order here and ask you to introduce your family now.

TESTIMONY OF RICHARD A. LEVIE, NOMINEE TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. LEVIE. Thank you, Senator. I am accompanied by my wife Sally and my children, Alyssa and Matthew, and the excited one is Joshua. [Laughter.]

Senator MATHIAS. Well, as I said earlier, don't worry about Joshua. I think he is doing all right. We congratulate them as well as you on your nomination by the President.

Mr. LEVIE. Thank you.

Senator MATHIAS. Let me start with the formal questions that we usually ask. Do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging your responsibilities as a judge in the court to which you have been nominated?

Mr. LEVIE. No, Senator.

Senator MATHIAS. Again, although it is impossible for any of us to look 15 years into the future, as you sit here today, would it be your intention to serve a full 15-year term?

Mr. LEVIE. It would.

Senator MATHIAS. Have you ever been involved in civil litigation or administrative or legislative proceedings of any kind as plaintiff, defendant, respondent, witness, or as a party in interest, which is directly or indirectly related to the office to which the President has nominated you?

Mr. LEVIE. I have, Your Honor—Senator. A Freudian slip there. I am so used to appearing in court. [Laughter.]

Senator MATHIAS. It is not all bad. I am not offended.

Mr. LEVIE. Senator, here in the District of Columbia I was involved 10 years ago in an uncontested divorce, and then arising out of my period in private practice, from 1973 to 1976, there were two small claims actions brought by my firm, one while I was with the firm, one after I left the firm, both of which were resolved prior to trial. And a final episode in response to your question came when I was an attorney at the Commodity Futures Trading Commission and a commodity options firm which the Commission was suing, and in which I was the counsel for the Commission, turned around and sued myself, the five Commissioners, and a number of other staff personnel at the Commission. That case was filed here in the district court and was dismissed for want of prosecution.

Senator MATHIAS. These matters have all been resolved?

Mr. LEVIE. For many years.

Senator MATHIAS. Have you or any member of your immediate family ever been involved in any controversy or litigation with tax

authorities of the Federal Government, the District of Columbia or of any State or local government?

Mr. LEVIE. No litigation, Senator. My wife, prior to our marriage, did have a return audited for several matters, and it was resolved without any payment.

Senator MATHIAS. Is there anything of which you are aware in your background, professional or personal, which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. LEVIE. Senator, there are two general possibilities which I will mention, but neither of which I believe would hamper in any way my service on the bench. The first surrounds the private practice part of my career which I mentioned earlier. And in respect to that, both of my former partners do practice, one here in the District of Columbia as a single practitioner and one out of Annapolis.

It would be my intention never to sit on any case involving any former client of myself or my firm and never to sit on any case in which either of my former partners were involved. Should any person affiliated with either of my former partners appear before me, I would notify all parties of the prior relationship.

In the case of former clients or former partners, I would, of course, recuse myself, absolutely, from any such case.

The second area involves a matter in which my wife retained the services of a law firm here in town for which an obligation is still outstanding. In connection with that, I would recuse myself from any case involving anyone from that firm or so long as the obligation is outstanding, or at any time that my wife is being represented by them.

Senator MATHIAS. Have you any writing or literary output which could be of any embarrassment to you or to the court or to the President at any time in the future?

Mr. LEVIE. No, Senator.

Senator MATHIAS. Would you tell us a little bit about your education and your professional experience, that part of it which you think bears upon your qualifications as a member of the court?

Mr. LEVIE. Yes, sir; I was raised in Trenton, NJ, and attended public schools there. I graduated from Dickinson College and George Washington University Law School.

Following law school, I clerked for the late Judge Joseph C. Waddy here in the District of Columbia. He was sitting on the district court. After that, I joined the appellate section of the Criminal Division of the Department of Justice and had the opportunity to spend approximately a year and half briefing and arguing criminal appeals in various circuit courts throughout the country and writing briefs before the Supreme Court.

When I left Justice, I opened up a private practice with two former law school classmates, to which I referred earlier, and we carried on a true general practice, both here in the District and in Maryland.

Senator MATHIAS. Anything that walked in the door.

Mr. LEVIE. It was pretty close to that, Senator. We basically hung out our shingle and we filled a need here in Washington. It was very enjoyable.

It was during that time that I got very extensive trial experience, both in superior court here in the District of Columbia and in the U.S. District Court here. Again, my experience was in both the criminal and the civil areas. And I also had the opportunity to argue three of four criminal appellate cases for indigent clients here in the District of Columbia and also in the fourth circuit.

When I left the firm in 1976, I went with the Commodity Futures Trading Commission. I was there for 4 years, holding several different positions. The bulk of my work was civil and some administrative. Most of it was a civil prosecutor for civil fraud cases and some defense work on behalf of the Commission.

I have been at the Department of Justice, in the Civil Division there, for 5 years, and almost all of my work there has been civil defensive litigation in the U.S. district courts throughout the country.

Senator MATHIAS. Well, you seem to have had a wide range of experience in litigation, and I think that it is important for a judge to be able to recognize what is occurring or has occurred in the process of a trial.

You also must have, in the course of that experience, come to observe a number of judges and to be able to define judicial temperament in terms of your experience. How would you put that into words?

Mr. LEVIE. I would conceive of judicial temperament, Senator, as the ability to sit and hear a case and receive facts in an objective, dispassionate manner, in a calm manner, so that when all parties came before the court, they would be treated fairly, with respect and dignity, so when they left that courtroom they would feel they have been treated fairly, regardless of the outcome of the case.

Senator MATHIAS. In my own experience, I can recall wide differences in, perhaps not judicial temperament, but judicial behavior. I can recall one judge whose educational method was to berate a lawyer in front of his clients, in front of the jury, in front of the spectators gathered in the courtroom. A very unhappy, embarrassing experience.

Whereas, I remember another judge—by coincidence his name was Judge Steadman, Steadman Prescott, though—who sat in Rockville, and he was wonderful. He was a real student of the law to start with. He had an enormous personal law library, and his recreation as well as his professional interest was in just constantly studying the law.

When some point came up, he would say "Now, Mr. Mathias, that is a novel point of law, one that I haven't heard before. Would you approach the bench?" And then in the most gentle, yet firm, manner he would give what his version of the law was and let the other counsel do the same. It ended up as a totally positive and beneficial experience, and not the kind of embarrassment that other judges perpetrated.

What is your feeling about the way in which a judge can help to continue to educate the bar? In your opinion, is there a need and a responsibility for that?

Mr. LEVIE. I think there is, Senator. I have been involved for the last 10 years fairly actively in continuing legal education and teaching trial advocacy. I would hope to continue that in an obvi-

ously modified manner on the bench, in a way that was done for me when I was first starting out, and that was starting out in trial practice, and that was to have judges offer to meet after the trial to discuss various matters that had occurred during the trial, the way in which a question was answered—or asked, rather—and the manner in which evidence was sought to be introduced. And they indeed suggested ways in which I could improve my technique. I found it very useful. And I would hope to be able to continue that method of teaching to lawyers who would appear before me.

Senator MATHIAS. Well, I hope you will continue to do that because I think it is an important aspect of a judge's responsibility, and it is one of the things which maintains the traditions of the bar. And I see that you are going to have great help from your family in maintaining a sense of perspective. [Laughter.]

Mr. LEVIE. I have no doubt of that, Senator.

Senator MATHIAS. I think any danger that you may become inflated by elevation to the bench will be severely reduced by having a large and active family.

Is there anything you would like to add?

Mr. LEVIE. Senator, I would just like to note my thanks for the assistance that Carol Fox and Gary Zizka, and especially, Eileen Mayer, gave to me during the process in which my papers were pending before the Senate. I appreciate that very much.

Senator MATHIAS. We thank you for your cooperation with them and your testimony here this morning.

Mr. LEVIE. Thank you, Senator.

Senator MATHIAS. Let me ask if there is anyone in the room who wishes to testify with respect to this nomination.

If not, thank you very much, Mr. Levie.

Mr. LEVIE. Thank you, Senator.

[Biographical information follows:]

BIOGRAPHICAL AND FINANCIAL INFORMATION
REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

Richard Andrew Levie. I am also known as "Dick" to some friends and colleagues.

2. Position to which nominated:

Associate Judge of the Superior Court of the District of Columbia

3. Date of nomination:

May 22, 1985

4. Address: (List current place of residence and office addresses.)

Residence: 6159 31st Place, N.W.
Washington, D.C. 20015

Office : Department of Justice
Federal Programs Branch
Civil Division, Room 3547
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

5. Date and place of birth:

February 8, 1945
Trenton, New Jersey

6. Marital status: (Include maiden name of wife or husband's name.)

Married: Sally Alicia (Arnold) Levie

7. Names and ages of children:

Alyssa Melinda Logan, 13 (stepchild)
Matthew Robert Logan, 10 (stepchild)
Joshua Edward Levie, 18 months

Richard A. Levie

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Name	Dates Attended	Degree Received	Dates Granted
Trenton H.S.	1959-1962	Diploma	1962
Dickinson College	1962-1966	B.A.	1966
George Washington Univ. School of Law	1966-1969	J.D.	1969

9. Employment records: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

Title	Employer	Dates
Trial Attorney Senior Trial Counsel Special Litigation Counsel	Department of Justice Federal Programs Branch Civil Division 10th & Penn. Ave., N.W. Washington, D.C. 20530	4/80-Present
Chief Counsel	Division of Enforcement Commodity Futures Trading Commission 2033 K Street, N.W. Washington, D.C. 20581	3/78-4/80
Special Counsel	Office of General Counsel Commodity Futures Trading Commission 2033 K Street, N.W. Washington, D.C. 20581	7/77-3/78
Trial Attorney	Division of Enforcement Commodity Futures Trading Commission 2033 K Street, N.W. Washington, D.C. 20581	3/76-7/77
Partner	Bereano, Levie & Schreiber Six E Street, S.E. Washington, D.C. 20003	1/73-2/76

Richard A. Levie

Staff Attorney	Department of Justice Appellate Section Criminal Division 10th & Penn. Ave., N.W. Washington, D.C. 20530	5/71-12/72
Law Clerk	Hon. Joseph C. Waddy U.S. District Court for the District of Columbia	9/69-10/70
Law Clerk-Trainee	Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554	7/69-9/69
Law Clerk	Dow, Lohnes & Albertson 1225 23rd Street, N.W. Washington, D.C.	3/68-4/69
Messenger	Hogan & Hartson 815 Connecticut Ave., N.W. Washington, D.C.	9/67-2/68
Legal Assistant	N.J. Sales Tax Bureau 363 W. State Street Trenton, New Jersey	6/67-9/67
Legal Assistant	N.J. Sales Tax Bureau 363 W. State Street Trenton, New Jersey	7/66-9/66

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Partner - Bereano, Levie & Schreiber - 1/73-2/76

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

D.C. Bar (Unified)
D.C. Bar Association (1970-Present)
Co-Chairman of the Continuing Legal Education Committee of the Young Lawyers Section of the D.C. Bar Association (1977-79)
American Bar Association (1972-1982)
Temple Sinai (1981-Present)
Annunciation School, Home & School Association
Vice-President (1983-85)
Corresponding Secretary (1982-83)
Dickinson College Club of Washington
Vice-President (1978)
Alumni Capital Improvement Fundraiser (1979)
Common Cause (1971-73)

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

I am a registered Democrat. I have held no office in or rendered service to any political party or election committee at any time.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

1977 - Citizens for Hoyer - $50
1978 - Glickman for Congress Committee - $75

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Outstanding Civilian Service Medal (1983 - U.S. Army Corps of Engineers)
Department of Justice Special Commendation Awards (1983 & 1984)
Department of Justice Special Achievement Awards (1981 & 1982)

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Not applicable.

17. Selection:
(a) Do you know why you were chosen for this nomination by the President?

I have no personal knowledge regarding the reasons why I was chosen for this nomination by the President.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

During my clerkship for the Honorable Joseph C. Waddy of the United States District Court for the District of Columbia, I had the opportunity to be present in the courtroom on many occasions and observe trial lawyers of varying abilities and experience in connection with a broad spectrum of cases. As a result of these opportunities, I began to learn the correct and incorrect ways to try cases and interact with other lawyers, judges and juries. The clerkship also afforded me valuable insight into the operations of courts and the ways in which judges reach decisions and relate to those appearing before them.

After my clerkship, I worked as a staff attorney in the Appellate Section of the Department of Justice's Criminal Division. There I drafted numerous briefs and memoranda in opposition to petitions for writs of certiorari. In addition, I briefed and argued cases before the United States Courts of Appeals for the First, Second, Third and Fifth Circuits.

Richard A. Levie

Upon leaving the Department of Justice, I began a general law practice with two friends. It was during the three years of private practice that I had my most intensive and frequent exposure to trial level litigation. Practicing in both the Superior Court of the District of Columbia and the United States District Court for the District of Columbia I had occasion to try in excess of 25 jury trials, as well as several non-jury trials. In addition, I conducted numerous evidentiary hearings, suppression hearings, bail motions, preliminary hearings and other matters related to the practice of criminal law. In the civil area, I handled a variety of civil matters common to a general practice, including the defense and prosecution of litigated cases. In the area of appellate work, I briefed and argued cases on behalf of indigent clients in the United States Courts of Appeals for the District of Columbia Circuit and the Fourth Circuit, and in the District of Columbia Court of Appeals, including one en banc argument.

When I left private practice, I took a position as a trial attorney with the Division of Enforcement at the Commodity Futures Trading Commission. During my four years at the C.F.T.C., I progressively held the positions of Special Counsel in the Office of the General Counsel and Chief Counsel in the Division of Enforcement. In these positions, I prosecuted civil cases for the Commission in United States District Courts and before Administrative Law Judges, and defended the Commission when its members or employees were sued. In such cases, I prepared or supervised the preparation of various pleadings, conducted and defended numerous depositions, conducted evidentiary hearings and argued a variety of motions. Some of the most significant cases in which I was lead counsel included: the Commission's largest prosecution for fraud in the sale of commodity options; the Commission's initial prosecution for the unregistered sale of commodity options; and the first prosecution brought to litigate the definition of a "futures contract." I also briefed several appellate cases and argued one case before the United States Court of Appeals for the First Circuit.

At the Civil Division of the Department of Justice, where I have been employed for the past five years, my cases have almost exclusively involved the defense of federal agencies and individuals sued in United States District Courts throughout the country. The types of cases were diverse, including defense of the Army Corps of Engineers' construction of a major waterway, defense of several Cabinet officers against civil contempt charges, and representation of the Department of Justice and its employees in several libel cases where information was sought from the Department or its employees. These cases have involved the drafting and arguing of many motions, the taking of numerous depositions, and the conduct of several trials and evidentiary hearings. I also had the opportunity to argue one case before the United States Court of Appeals for the Fifth Circuit.

Richard A. Levie

In addition to my personal litigation activities, my positions at the Commodity Futures Trading Commission and the Department of Justice have afforded me the opportunity to work with and train junior attorneys in all facets of litigation. Because of my interest in teaching and in an effort to help improve the litigation skills of other attorneys, I have been active in the National Institute for Trial Advocacy, the NITA-type programs sponsored in 1977 and 1978 by the D.C. Bar Association and the Attorney General's Advocacy Institute. For two years I was co-chairman of the Continuing Legal Education Committee of the Young Lawyers Sections of the D.C. Bar Association. During that time, the CLE Committee sponsored major programs on evidence and discovery.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

Richard A. Levie

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

My wife is obligated to the firm of Klores, Feldesman & Tucker for legal services rendered on her behalf. In order to avoid any possible conflict of interest or any possible appearance of impropriety, I would recuse myself from any case in which Klores, Feldesman & Tucker was involved for so long as any obligation for payment of fees remains or for so long as my wife is represented by that firm.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In order to avoid any possible conflict of interest or possible appearance of impropriety, I would recuse myself from any cases involving former civil or criminal clients of mine or my former law firm, Bereano, Levie & Schreiber. Likewise, I would recuse myself from any case in which any party is represented by either of my former law partners or any firms with which they are affiliated.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

None, except insofar as I, in my role as an attorney in connection with litigation, have consulted with and advised various federal officials, who are charged with the administration of the law.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or agreements.)

Recusal.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

a) In 1975 I was the plaintiff in an uncontested divorce action in the Superior Court of the District of Columbia. Richard A. Levie v. Marilyn H. Levie, D833-75 (final judgment of divorce - May 6, 1975).

b) In 1977 Lloyd, Carr & Co., a commodity options firm I was then civilly prosecuting for the unlawful sale of options, brought suit against myself, other members of the Division of Enforcement, the C.F.T.C. and its Commissioners seeking injunctive relief and monetary damages. Lloyd, Carr & Co. v. Richard A. Levie, et al., C.A. 77-1944 (D.D.C.). Plaintiff alleged that I had interfered with the contractual relationship between the company and a bank by inquiring about Lloyd, Carr's bank account, which account was closed soon afterward. At the time the case was filed, plaintiff's counsel, who was also defending

the company in the C.F.T.C.'s action, possessed a deposition from the banker accurately detailing my conversation with the banker and setting forth the banker's reasons for closing the account -- reasons unrelated to my conversations with him. The case was dismissed for failure to prosecute.

c) In 1975, a small claims action was brought by my firm to obtain a fee owed by a client. Bereano, Levie and Schreiber v. Kenneth Millard, SC 12278-75. There was a confession of judgment by the defendant.

In 1976, another small claims action was commenced to obtain a fee owed after I departed the firm. Bruce C. Bereano v. Maxwell Sacks, SC 5487-76. The case was settled. Under our partnership agreement, I would have received some share of any monies.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

   Yes.

2. Are you a member of the bar of the District of Columbia?

   Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

   Yes - 1969

4. If the answer to No. 3 is "No"--
   (a) Are you a professor of law in a law school in the District of Columbia?
   (b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?
   (c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?
   (d) Upon what grounds is that eligibility based?

5. Are you a bona fide resident of the District of Columbia?

   Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

   6159 31st Place, N.W.
   Washington, D.C. 20015
   Since February, 1980

7. Have you maintained an actual place of abode in such area for at least 5 years?

   Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

   No.

9. Have you been a member of either Commission within the last 12 months?

   No.

AFFIDAVIT

Richard Andrew Levie being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

Richard A. Levie

Subscribed and sworn before me this 29th day of May, 1985

Vera D. Williams
Notary Public
my Commission expires May 31, 1989

Senator MATHIAS. That will conclude this morning's hearing. The committee will stand in recess subject to the call of the Chair.

[Whereupon, at 10:47 a.m., the committee was recessed, to reconvene subject to the call of the Chair.]

○